

MAR 12 2004

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

2019

§ Civil Action No. H-01-3913

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§ Civil Action No. H-04-0091

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[Caption continued on next page]

ELAINE L. CHAO, SECRETARY OF THE  
UNITED STATES DEPARTMENT OF LABOR,

Plaintiff,

vs.

ENRON CORP., et al.

Defendants.

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§ Civil Action No. H-03-2257  
§ (Consolidated with H-01-3913)

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Since the first scheduling conference in February 2002, the original *Tittle* and *Newby* actions have been expanded and augmented with the addition of new actions and new parties. As it was two years ago, the Court remains dedicated to giving all parties their day in court and an efficient resolution of these cases. After lengthy collegial negotiations, the parties in the cases consolidated and coordinated for discovery have agreed to and the Court has signed the Deposition Protocol Order. The parties have proposed an aggressive but workable schedule, beginning with 18 months of fact discovery. The Court considers the scheduled dates to be *firm* dates, which are not subject to change without sufficient reason.

ORDERED that the Pretrial-Scheduling Order, which shall apply to the *Tittle* and *Newby* actions and those consolidated and coordinated cases for discovery purposes, shall be as follows:

|                                                                                                                                                                      |                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| Depositions of fact witnesses in <i>Newby</i> , <i>Tittle</i> , and the consolidated and coordinated actions, as governed by the Deposition Protocol Order, commence | Wednesday, June 2, 2004      |
| Deadline to join new parties or to file a third-party complaint or cross complaint/claims                                                                            | Monday, August 2, 2004       |
| All fact discovery, including, without limitation, document, deposition, and third-party discovery, completed by                                                     | Wednesday, November 30, 2005 |
| Plaintiffs' expert witnesses named and comprehensive reports of their opinions furnished by                                                                          | Tuesday January 3, 2006      |
| Defendants' expert witnesses named and comprehensive reports of their opinions furnished by                                                                          | Tuesday, February 21, 2006   |
| Plaintiffs' rebuttal expert witnesses named and their comprehensive opinion reports furnished by                                                                     | Friday, March 17, 2006       |
| Expert discovery completed by                                                                                                                                        | Friday, April 14, 2006       |
| Motions for summary judgment in <i>Newby</i> and <i>Tittle</i> may be filed up to                                                                                    | Monday, May 15, 2006         |

- Opposition to a summary-judgment motion filed before Friday, April 14, 2006 is due 45 days after the date the motion is filed.
- Opposition to a summary-judgment motion filed after April 14, 2006 is due by Friday, June 30, 2006.
- All replies are due 30 days after the opposition is filed.

Joint Pretrial Orders in *Newby* and *Tittle* filed by  
[Plaintiffs responsible for filing order timely]

Friday, September 15, 2006

Pretrial Conferences at 1:30 p.m. on

October 2, 2006

Trials begin at 9:00 a.m. on

October 16, 2006

As to consolidated, related and coordinated cases not currently proceeding under the controlling *Newby* and *Tittle* consolidated complaints, the Court's ruling in Part I of the July 11, 2003 Scheduling Order will govern the schedule for those cases.

SO ORDERED this 11<sup>th</sup> day of March, 2004.



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MELINDA HARMON  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing SCHEDULING ORDER document has been served by sending a copy via electronic mail to serve@ESL3624.com on this March 8, 2004.

I further certify that a copy of the foregoing SCHEDULING ORDER document has been served via overnight mail on the following parties, who do not accept service by electronic mail on this March 8, 2004.

Carolyn S. Schwartz  
United States Trustee, Region 2  
33 Whitehall Street, 21st Floor  
New York, NY 10004



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Mo Maloney